

# LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2009-1119-01

DATE: NOVEMBER 19, 2009

**WHEREAS;** The Lumbee Tribe of North Carolina ( "Lumbee Tribe" ) , is a recognized Indian Tribe of the State of North Carolina, subject to the Constitution of The Lumbee Tribe of North Carolina ( "Tribal Constitution" ) and its inherent powers of self-governance, and;

**WHEREAS,** Article VII, Section 1 of the Constitution of the Lumbee Tribe of North Carolina delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina ( "Tribal Council" ), and;

**WHEREAS,** The Preamble to the Constitution of The Lumbee Tribe of North Carolina states in part that its purpose is "securing justice and freedom for the Lumbee People.

**THEREFORE,** be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina that this ordinance shall be cited as the **ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES.**

## **SECTION 1: ELIGIBILITY FOR TRIBAL EMPLOYEES**

1. No person shall be eligible for employment by the Lumbee Tribe of North Carolina, hereinafter referred to as the Tribe, who has been convicted of a felony under the laws of the State of North Carolina, hereinafter referred to as the State, or The United States of America, hereinafter referred to as the US, within 5 years since the end of active sentence, parole, and probation.

2. Employees with an employment date prior to the effective date of this ordinance shall be exempt from the provisions of Section 1, paragraph 1. However if an employee resigns or is terminated for cause, he or she will not be eligible for re-hire under the rules of this ordinance except as noted in Section 1, paragraph 1.

## **SECTION2: ELIGIBILITY FOR CONTRACTORS**

1. No person shall be eligible to be engage in a contractual capacity with the Tribe who has been convicted of a felony under the laws of the State or the US, within 5 years since the end of active sentence, parole, and probation.

2. All contracts between the Tribe and contractors will include language containing these provisions in bold print, red print, or by some other method that clearly highlights these restrictions.

3. Contractors currently working under the conditions of a written contract for the Tribe who do not meet these requirements will not be eligible for contract renewal until conditions of Section 2, paragraph 1 are met.

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4. Contractors currently in use by the Tribe without a written contract shall complete the current project they are working on and may be eligible for reengagement under the terms of a written contract provided the provisions of Section 2, paragraph 1 are met.

### **SECTION 3: ELIGIBILITY FOR CONSULTANTS**

1. No person shall be eligible to work as a consultant for the Tribe who has been convicted of a felony under the laws of the State or the US within 10 years from the date of conviction.

2. All contracts between the Tribe and consultants will include language containing these provisions in bold print, red print, or by some other method that clearly highlights these restrictions.

3. Consultants currently under written contract by the Tribe who do not meet these requirements will not be eligible for contract renewal until conditions of Section 3, paragraph 1 are met.

4. Consultants currently in use by the Tribe without a written contract shall be dismissed within 30 days of the effective date of this ordinance. They may be eligible for reengagement by written contract if not in violation of Section 3, paragraph 1 of this ordinance.

### **SECTION 4: DEFINITIONS**

1. Employees, contractors, consultants, and appointees shall be defined in accordance with the latest edition of Blacks Law Dictionary.

**CERTIFICATION**

ccc

THIS CLLO-2009-1119-02 **"ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES"**, ADOPTED AT A MEETING OF THE 21-MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 19 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 19TH DAY OF NOVEMBER, 2009 BY A VOTE OF 19 FOR, 0 AGAINST, 0 ABSTENTION(S).

*Ricky Burnett*

*11-23-09*

ATTEST: RICKY BURNETT

Date

Speaker, Tribal Council of the Lumbee Tribe of North Carolina

*Larmari L. Mitchell*

*12-3-09*

ATTEST: LARMARI LOUISE MITCHELL

Date

Secretary, Tribal Council of the Lumbee Tribe of North Carolina

**VETO**

JAMES E. GOINS

Date

Chairman, Lumbee Tribe of North Carolina

**POSTING**

This CLLO-2009-1119-02 **"ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES"**, duly posted on this the 19TH day of November, 2009.

*Ruth B. Locklear*

*11-23-09*

ATTEST: RUTH B. LOCKLEAR

Date

Tribal Clerk, Lumbee Tribe of North Carolina

**ROLL CALL VOTE RESULTS TO ADOPT**

**CLLO-2009-1119-02**

**“ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, CONSULTANTS, AND APPOINTEES”**

19 FOR, 0 AGAINST, 0 ABSTENTION(S)

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Ray Littleturtle	ABSENT
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Bradley McMillian	ABSENT
District 11:	Linda Revels	YES
District 12:	Furnie Lambert Jr.	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Welford Clark	YES

## CERTIFICATION OF VETO OVERRIDE

THIS VETO OVERRIDE OF ***“ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL EMPLOYEES, CONTRACTORS, AND APPOINTEES”*** TRIBAL ORDINANCE CLLO-2009-1119-02 WAS CERTIFIED AT A MEETING OF THE 21 SEATED MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE **19** MEMBERS WERE PRESENT , CONSTITUTING A QUORUM, THIS 19TH DAY OF NOVEMBER, 2009 BY A VOTE OF **19** FOR, **0** AGAINST, **0** ABSTENTION(S).

**ROLL CALL VOTE RESULTS TO ADOPT  
TRIBAL ORDINANCE CLLO-2009-1119-02,  
“ORDINANCE GOVERNING THE ENGAGEMENT OF CONVICTED FELONS AS TRIBAL  
EMPLOYEES, CONTRACTORS, AND APPOINTEES”  
19 FOR, 0 AGAINST, 0 ABSTENTION(S)**

District 1:	Audrey Revels Hunt	YES
District 2:	Sharon Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Laura B. Sampson	YES
	Pam Spaulding	YES
District 4:	Helen H. Locklear	YES
District 5:	Kernice Lee Locklear	YES
	Charles Bullard	YES
District 6:	James Deese	YES
	Larry Anthony Chavis	YES
District 7:	Ray Littleturtle	ABSENT
	James Harold Locklear	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	James Taft Smith	YES
District 10:	Bradley McMillian	ABSENT
District 11:	Linda Revels	YES
District 12:	Furnie Lambert	YES
	Shelley Strickland	YES
District 13:	Ricky Burnett	YES
District 14:	Welford Clark	YES

*Ricky Burnett*

*1-7-10*

ATTEST: Ricky Burnett  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Date

*Lamari L. Mitchell*

*Jan. 7, 2010*

ATTEST: Lamari Louise Mitchell  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

Date